

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES & EXCHANGE
COMMISSION,

Applicant,

-v.-

JAMES DAVID O'BRIEN,

Respondent.

19 Misc. 0468 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On January 14, 2020, Respondent in this action moved the Court to issue a stay of the Court's Order of December 27, 2019, pending Respondent's appeal to the Court of Appeals for the Second Circuit. (Dkt. #23-24). Applicant filed its opposing papers on January 28, 2020 (Dkt. #25), and Respondent replied on January 30, 2020 (Dkt. #28). The Court has now reviewed the parties' briefing and finds that it requires supplemental briefing on the issue raised by Applicant regarding the running of the statute of limitations for certain remedies.

Accordingly, the Court ORDERS the parties to submit supplemental briefing in the form of short letter briefs. Applicant is directed to focus its briefing on the specific remedies of which it may be divested should a stay be granted.

Respondent is directed to inform the Court whether he will consent to a tolling of the statute of limitations if a stay were to be granted. Letters from the parties are expected on or before **February 19, 2020**.

SO ORDERED.

Dated: February 11, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge